

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAMASO JOSE HERRERA, )  
Plaintiff, )  
v. ) 1:22-cv-333  
KILOLO KIJAKAZI, )  
Acting Commissioner of )  
Social Security, )  
Defendant. )

## **ORDER**

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On August 30, 2023, the United States Magistrate Judge's Memorandum Opinion and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 15, 16.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS HEREBY ORDERED** that the Magistrate Judge's Recommendation, (Doc. 15), is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment, (Doc. 10), is **GRANTED**, Defendant's Motion for Judgment on the Pleadings, (Doc. 13), is **DENIED**, that the Commissioner's decision finding no disability is **REVERSED**, and that this matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g). The Commissioner is directed to remand the matter to the

Administrative Law Judge for further consideration of Plaintiff's claim in light of this recommendation.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 18th day of September, 2023.

William L. Osten, Jr.  
United States District Judge